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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,498	08/14/2001	Hiroshi Ishizaki		7941

24956 7590 04/07/2004

MATTINGLY, STANGER & MALUR, P.C.  
1800 DIAGONAL ROAD  
SUITE 370  
ALEXANDRIA, VA 22314

EXAMINER
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VU, KIEU D

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 04/07/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

PRE

# Office Action Summary

Application No.

09/928,498

Applicant(s)

ISHIZAKI ET AL.

Examiner

Kieu D Vu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,7 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This Action is responsive to the Preliminary Amendment filed 10/24/01.
2. Claims 1-3, 6-7, and 9 are pending.

***Remarks***

3. The patent status of parent application 09/225309 needs to be updated.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2-3 and 6-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2-3 and 6-7 claim " the method" of claim 1 while claim 1 recites "A system". Thus, the scopes of claims 2-3 and 6-7 are uncertainable as these claims attempt to claim just a portion of the parent claim. Claims 2-3 and 6-7 do not clearly set forth the metes and bounds of claimed invention. Applicant is reminded that dependent claims should only further restrict the scope of the parent claim from which they depend rather than broadening it.

***Claim Rejections - 35 USC § 101***

6. US.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter since claim 9 claims "A computer program product" per se and does not positively recite that the program is stored on a medium that can be read by a machine. As such, the claimed invention is not directed to a machine readable medium or a manufacturer article.

### ***Double Patenting***

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,313,852. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art, having the teaching of USP 6,313, 852 before him at the time the invention was made, to omit limitations "wherein the components constituting the GUI screen include.....to thereby select a process of deleting the scheduling data of the member from the scheduling screen" with the motivation being to practice the invention in a different way.

Claim 2 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,313,852. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art, having the teaching of USP 6,313, 852 before him at the time the invention was made, to omit limitations "a member select component for temporarily ...a process in accordance with a type of the other software component" and "if the software component indicating the member on said member select component ...of the member from the scheduling screen" with the motivation being to practice the invention in a different way.

Claim 3 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,313,852. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art, having the teaching of USP 6,313, 852 before him at the time the invention was made, to omit limitations "if the software component indicating the member displayed on the

scheduling screen.... to thereby select a process of deleting the scheduling data of the member from the scheduling screen" with the motivation being to practice the invention in a different way.

Claim 3 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. 6,313,852. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art, having the teaching of USP 6,313, 852 before him at the time the invention was made, to omit limitations "if the software component indicating the scheduling data displayed from the scheduling screen....in the member selected by said member select component" with the motivation being to practice the invention in a different way.

Claim 6 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,313,852. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art, having the teaching of USP 6,313, 852 before him at the time the invention was made, to omit limitations "if the software component indicating the work matter information on said visiting site/work matter incorporating component is superposed ....indicates the work matter information...own by the software component " with the motivation being to practice the invention in a different way.

Claim 7 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,313,852. Although the conflicting claims are not identical, they are not patentably distinct from

each other because it would have been obvious to one of ordinary skill in the art, having the teaching of USP 6,313, 852 before him at the time the invention was made, to omit limitations "if the software component indicating the scheduling data....own by the software component " with the motivation being to practice the invention in a different way.

Claim 9 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,313,852. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art, having the teaching of USP 6,313, 852 before him at the time the invention was made, to omit limitations "a member select component ....other of software component" and "if the software component indicating the member....the member from the scheduling screen" with the motivation being to practice the invention in a different way.

### ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Onda et al ("Onda", USP 5860067).

Regarding claim 1, Onda teaches a scheduling management system comprising a scheduling data storage device for storing scheduling data including a date, a time and a work matter, member information storage device for storing member information including a user ID, a user name, a flag indicating whether the member is an individual or a group, and ID information of a hierarchical level the member belongs, a calendar information storage device for storing calendar information (col 6, lines 34-35; col 10, lines 52-67; col 12, lines 39-49; Fig. 5; Fig. 7; Fig. 25-26; Fig. 29); a display device for displaying a GUI screen containing a plurality of components (col 3, lines 36-38; col 5, lines 22-25), an input device for designating an arbitrary position on the GUI screen and entering an operation relative to the designated position on the GUI screen (abstract; col 3, lines 43-44); and an inter-component communication control unit for, if a movable software component on a certain component constituting the GUI screen is selected with said input device and is moved and superposed upon another component constituting the GUI screen, notifying the motion destination other component of the superposed software component (col 4, lines 65-67; col 5, lines 1-2).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2-3, 6-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onda and Rhodes et al ("Rhodes", USP 6073110).



Regarding claim 2, Onda teaches a schedule display area component for temporarily storing scheduling data acquired from said scheduling data storage device in a scheduling data storage area of said schedule display area component, graphically displaying a software component indicating the scheduling data in a corresponding area of a schedule screen constituted of a time axis and a member axis, in accordance with the required scheduling data, and selecting, if another software component is superposed upon the software component by said input device, a process in accordance with a type of the other software component (Fig. 7; Fig. 9; col 12, lines 18-49; col 13, lines 11-15, lines 20-21; col 20; lines 56-60), and if the software component indicating the date on a calendar component is superposed upon said schedule display area component by said input device such as a pointing device, said inter-component communication control unit supplies information of the software component from said calendar component to said schedule display area component, and said schedule display area component judges that the software component is software component of a type that indicating of the date, to thereby select a process of referring to the scheduling data of the designated date (col 17; lines 55-67). Onda does not teach a calendar component for temporarily storing calendar information acquired from said calendar information storage device in a calendar information storage area of said calendar component, displaying a software component indicating the date in a calendar format on the GUI screen in accordance with the acquired calendar information. However, such feature is known in the art as taught by Rhodes. Specifically, Rhodes teaches teach a calendar component for temporarily storing calendar information (block 114 in Fig. 5A)

acquired from said calendar information storage device in a calendar information storage area of said calendar component (col 3, lines 62-63; block 34 in Fig. 1), displaying a software component indicating the date in a calendar format on the GUI screen in accordance with the acquired calendar information (graphic calendar in Fig. 5A). It would have been obvious to one of ordinary skill in the art, having the teachings of Onda and Rhodes before him at the time the invention was made, to modify the method for a scheduling management system taught by Onda to include the teaching of displaying a calendar graphic on the screen in accordance with the acquired calendar information taught by Rhodes with the motivation being to enable the user to efficiently display calendar information.

Regarding claim 3, Onda teaches a member select component for temporarily storing member information acquired from said member information storage device in a member information storage area of said member select component, hierarchically displaying a software component indicating the member on the GUI screen in accordance with the acquired calendar information, and selecting, if another software component is superposed upon the software component by said input device, a process in accordance with a type of the other software component and if the software component indicating the member on said member select component is superposed upon said schedule display area component by said input device such as a pointing device, said inter-component communication control unit supplies information of the software component from said member select component to said schedule display area component, and said schedule display area component judges that the software

component is software component of a type that indicating the member, to thereby select a process of referring to the scheduling data of the member and judge from the information of the software component whether the member is an individual or a group to perform the selected process (Fig. 25, col 17, lines 55-67; col 20, lines 27-41 ).

Regarding claim 6, Onda teaches a visiting site/work matter incorporating component for acquiring visiting site information and work matter information which is part of tile scheduling data from a visiting site/work matter information storage device, and selecting, if the software component is superposed upon any one of the components constituting the GUI screen by said input device such as pointing device, a process in accordance with a type of the software component, and if the software component indicating the visiting site information on said visiting site/work matter incorporating component is superposed upon said schedule display area component by said input device such as a pointing device, said inter-component communication control unit supplies information of the software component from said visiting site/work matter incorporating component to said schedule display area component, and said schedule display area component judges that the software component is software component of a type that indicating the visiting site information, to thereby select a process of setting the visiting site information indicated by the software component to a visiting site of the scheduling data to be newly registered (Fig. 26, col 17, lines 55-67; col 20, lines 48-67).

Regarding claim 7, Onda teaches that if the software component indicating the work matter information on said visiting site/work matter incorporating component is

superposed upon said schedule display area component by said input device such as a pointing device, said inter-component communication control unit supplies information of the software component from said visiting site/work matter incorporating component to said schedule display area component, and said schedule display area component judges that the software component is software component of a type that indicating the work matter information, to thereby select a process of setting the work matter information indicated by the software component in a work matter of the scheduling data to be newly registered (Fig. 26; col 17, lines 55-67; col 20, lines 48-67).

Regarding claim 9, Onda teaches a scheduling management system comprising, a scheduling data storage device for storing scheduling, data including a date, a time and a work matter, member information storage device for storing member information including a user ID, a user name, a flag indicating whether the member is an individual or a group, and ID information of a hierarchical level the member belongs, a calendar information storage device for storing calendar information (col 6, lines 34-35; col 10, lines 52-67; col 12, lines 39-49, Fig. 5; Fig. 7; Fig. 25-26; Fig. 29), a display device for displaying a GUI screen containing a plurality of components (col 3, lines 36-38; col 5, lines 22-25), an input device for designating an arbitrary position on the GUI screen and entering an operation relative to the designated position on the GUI screen (abstract, col 3, lines 43-44), and an inter-component communication control unit for, if a movable software component on a certain component constituting the GUI screen is selected with said input device and is moved and superposed upon another component constituting the GUI screen, notifying the motion destination other component of the

superposed software component (col 4, lines 65-67; col 5, lines 1-2); a schedule display area component for temporarily storing scheduling data acquired from said scheduling data storage device in a scheduling data storage area of said schedule display area component, graphically displaying a software component indicating the scheduling data in a corresponding area of a schedule screen constituted of a time axis and a member axis, in accordance with the required scheduling data, and selecting, if another software component is superposed upon the software component by said input device, a process in accordance with a type of the other software component (Fig. 7; Fig. 9; col 12, lines 38-49, col 13, lines 11 -15, lines 20-21; col 20; lines 56-60), and if the software component indicating the date on a calendar component is superposed upon said schedule display area component by said input device such as a pointing device, said inter-component communication control unit supplies information of the software component from said calendar component to said schedule display area component, and said schedule display area component judges that the software component is software component of a type that indicating of the date, to thereby select a process of referring to the scheduling data of the designated date (col 17; lines 55-67). Onda does not teach a calendar component for temporarily storing calendar information acquired from said calendar information storage device in a calendar information storage area of said calendar component, displaying a software component indicating the date in a calendar format on the GUI screen in accordance with the acquired calendar information, and selecting, if another software component is superposed upon the software component by said input device, a process in accordance with a type of the

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other software component. However, such feature is taught by Rhodes. Specifically, Rhodes teaches teach a calendar component for temporarily storing calendar information (block 114 in Fig. 5A) acquired from said calendar information storage device in a calendar information storage area of said calendar component (col 3, lines 62-63; block 34 in Fig. 1), displaying a software component indicating the date in a calendar format on the GUI screen in accordance with the acquired calendar information (graphic calendar in Fig. 5A). It would have been obvious to one of ordinary skill in the art, having the teachings of Onda and Rhodes before him at the time the invention was made, to modify the method for a scheduling management system taught by Onda to include the teaching of displaying a calendar graphic on the screen in accordance with the acquired calendar information taught by Rhodes with the motivation being to enable the user to efficiently display calendar information.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-872-9306

and / or:


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(703)-746-5639 (use this FAX #, only after approval by Examiner, for  
"INFORMAL" or "DRAFT" communication. Examiners may request that a formal  
paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to the receptionist whose telephone number is (703-305-  
3900).

Kieu D. Vu

03/30/04



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173